UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,559	12/11/2003	Ted. F. Slupesky	BEA9-2003-0021-US1	8775

49056 7590 11/27/2007	EXAMINER	
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GAITHERSBURG, MD 20878	ART UNIT	PAPER NUMBER
	2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/733,559	SLUPESKY ET AL.
	Examiner	Art Unit	
	Cheyne D. Ly	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 June 2007 and 18 July 2007</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-14 and 16-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-14 and 16-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicants' arguments filed July 18, 2007 have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.

2. Claims 1-14 and 16-20 are examined on the merits.

RESPONSE TO ARGUMENTS

3. The 35 USC 101 rejection has been withdrawn as necessitated by claim amendments.

4. On pages 6-9, Applicant argues Lennon et al. does not manage a hardware device. Applicant's argument is not persuasive because the claimed method does not actually "manage a hardware device" as asserted by Applicant. For example, claim 1 recites a method of communicating with "a managed object...wherein said object is a hardware device." However, the body of the claim merely recites limitations for communicating with the managed object such as requesting data from the managed object and modifying data of said managed object. No in the claims does the method actually manage the argued hardware device beyond just communicating with the hardware device via the requested data. Therefore, the cited disclosure of Lennon et al. comprising communications with a metadata server and modifying data from the metadata, as cited below, reasonably describes the claimed invention.

5. Further, Lennon et al. describes the media browser may be configured to initiate the one or more metadata server processes (page 10, [0117]) wherein one of ordinary skill in the art

would have interpreted that such disclosure suggests managing of the hardware device as argued.

6. Applicant argues Lennon et al. does not teach or suggest modifying existing data of a managed object, or creating new data from the managed object. Applicant's arguments are not persuasive because Lennon et al. describes "the metadata server 212 invokes a procedure to satisfy the request...results in the dynamic generation of an XML description of the associated metadata collection" (page 12, [0163]) which reasonably describes the argued limitation of "INVOKE". "It is also possible to set the value of the xlink:show attribute to be "replace" which means that the element content of the generated description should replace the descriptor containing the original link to the metadata server" (page 14, [0170]). Therefore, Lennon et al. in view of Dickman et al. renders the claimed invention obvious over the cited prior art.

7. As discussed above, the Examiner has established a prima facie case of obviousness for the claimed invention in view of the cited prior art.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

10. Claims 1-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lennon et al. (US 20020107973 A1) (Lennon hereafter) in view of Dickman et al. (US

5877765 A) (Dickman hereafter).

CLAIM INTERPRETATIONS

11. The instant specification exemplifies "managed object" as hardware devices which may

include storage devices, servers, and routers (page 4, last paragraph). Lennon discloses

the below cited method, computer system and article as directed to storage devices and

severs (Figures 9-11). Therefore, the disclosure of Lennon has been interpreted as

"managed object." Further, the disclosure of the "get" (page 5, column 1, [0074])

command by Lennon has been interpreted as a function as exemplified by the instant

specification (page 6, lines 1-16).

MOTIVATION TO COMBINE

12. Lennon describes a "preferred arrangement interprets the link by first using the identifier

part of the URI to locate the metadata server on the network (page 10, [0117]). Dickman

describes an improved ability to locate resources in a distributed environment, such as the

Internet (URL) (column 1, lines 55-57). Therefore, one of ordinary skill in the art at the

time of the invention would have been motivated by Dickman to improve ability to locate

metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon.

BASIS FOR PRIOR ART

13. In regard to claim 1, Lennon discloses a method of communicating with a managed object, comprising:

   a. Dynamically generating (page 4, column 2, [0073], especially the disclosure of "dynamically generating XML descriptions that conform to these schemas") an interpretable format form a meta data description for a function of said object (claim 1) wherein said object is a hardware device (page 10, [0117], e.g. the media browser may be configured to initiate the one or more metadata server processes);

   b. Communicating with said managed object with an operator input command, including a GET command request data from said managed object (page 5, column 1, [0074], especially, "a URI itself, and a query string which specifies details of the metadata server request. The request can be executed using a Hypertext Transfer Protocol (HTTP) "get" request over the Internet"), and an INVOKE command to create new data, wherein a single URL assigned to an attribute of said managed object is used for each of said operator commands (page 12, [0163], especially, "the metadata server 212 invokes a procedure to satisfy the request");

    c.   Interpreting said operator input command (Abstract etc., and page 9, [0101])

        according to said format (claim 92, and page 9, column 1, [0100], to page 10,

        column 1, line 7);

    d.   Executing said function to manage configuration of said object in response to said

        interpretation of said operator input command (claim 115, and page 17, [0192]);

        and

    e.   Displaying a response of said executed function to an operator (Figure 4).

14. However, Lennon does not explicitly describe the limitation of "a SET command to

modify existing data of said managed object." Dickman describes the SET command and

GET command (column 8, lines 12 and 20). Therefore, it would have been obvious to

one of ordinary skill in the art to improve the improve ability to locate metadata resources

in a distributed environment, such as the Internet (URL) as described by Lennon with the

SET function of Dickman.

15. In regard to claim 2, Lennon in view of Dickman discloses translating a response

received from said managed object into said interpretable format (page 4, column 2,

[0073], and page 5, column 1, [0077]). Therefore, it would have been obvious to one of

ordinary skill in the art to improve the improve ability to locate metadata resources in a

distributed environment, such as the Internet (URL) as described by Lennon and

Dickman.

16. In regard to claim 3, Lennon in view of Dickman discloses meta data description for a

function of said object includes a uniform resource locator to said function (page 5,

column 1, [0074] and [0078], and page 9, column 1, [0103]). Therefore, it would have

been obvious to one of ordinary skill in the art to improve the improve ability to locate

metadata resources in a distributed environment, such as the Internet (URL) as described

by Lennon and Dickman.

17. In regard to claim 4, Lennon in view of Dickman discloses the metadata describes one or

more internal commands associated with said functions (page 5, column 1, [0074]). It is

noted that the "get" command described by Lennon is consistent type of internal

command exemplified by the instant specification on page 6, lines 1-16. Therefore, it

would have been obvious to one of ordinary skill in the art to improve the improve ability

to locate metadata resources in a distributed environment, such as the Internet (URL) as

described by Lennon and Dickman.

18. In regard to claim 5, Lennon in view of Dickman discloses dynamically generating (page

5, column 1, [0075]) an interpretable format from a mete data description (claim 1)

includes building a data structure to inform an operator of a require format for

communication with said managed object (page 5, column 2, [0084], to page 8, column 1,

[0099]). Therefore, it would have been obvious to one of ordinary skill in the art to

improve the improve ability to locate metadata resources in a distributed environment,

such as the Internet (URL) as described by Lennon and Dickman.

2. In regard to claim 6, Lennon in view of Dickman discloses communicating with said

managed object in real-time (page 9, [0109]). Therefore, it would have been obvious to

one of ordinary skill in the art to improve the improve ability to locate metadata resources

in a distributed environment, such as the Internet (URL) as described by Lennon and

Dickman.

19. In regard to claim 7, Lennon in view of Dickman discloses the step of dynamically

generating an interpretable format from a mete data description for a function of said

object includes an interface such as a graphical user interface (Figures 1 and 2, especial

Item 101, "Media Browser"). Therefore, it would have been obvious to one of ordinary

skill in the art to improve the improve ability to locate metadata resources in a distributed

environment, such as the Internet (URL) as described by Lennon and Dickman.

20. In regard to claims 8-14 and 16-20, Lennon in view of Dickman discloses the above cite

method being implemented in a computer system and article comprising a computer-

readable signal-bearing medium (Figures 1 and 2). Therefore, it would have been

obvious to one of ordinary skill in the art to improve the improve ability to locate

metadata resources in a distributed environment, such as the Internet (URL) as described

by Lennon and Dickman.

CONCLUSION

21. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

23. Patent applicants with problems or questions regarding electronic images that can be

viewed in the Patent Application Information Retrieval system (PAIR) can now contact

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general patent information available to the public.

24. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-

9199. The USPTO's official fax number is 571-272-8300.

25. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716.

The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dung Ly
Primary Examiner
11/24/07